



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

BJG  
Docket No: 6798-13  
24 July 2014

[REDACTED]

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This is in reference to your application for correction of your late father's naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 July 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your father's naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

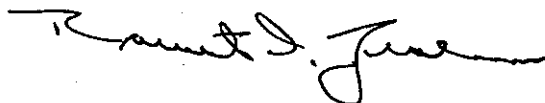
Your father enlisted in the Navy Reserve and entered active duty on 23 June 1944. He requested an undesirable discharge (UD) for the good of the service to avoid trial by court-martial for two indecent assaults aboard ship on male Sailors. He acknowledged the adverse consequences of receiving such a discharge. The separation authority approved his request for a UD. On 8 June 1945, he was separated with a UD to avoid trial by court-martial. As a result of this action, he was spared the

stigma of a court-martial conviction and the potential penalties of a punitive discharge and confinement at hard labor.

The Board, in its review of his entire record, carefully considered all potentially mitigating factors, such as his youth and your desire to upgrade his characterization of service under the repeal of "Don't ask, don't tell". Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of his discharge due to the two aggravating factors of the acts being non-consensual and aboard a Naval vessel, and his request for discharge. Furthermore, the Board believed that considerable clemency was extended to him when his request for discharge to avoid trial by court-martial was approved. It was also clear to the Board that he received the benefit of his bargain with the Navy when his request for discharge was granted and you should not be permitted to change it now. Finally, you are advised that no discharge is automatically upgraded due merely to post service good conduct or the passage of time. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,



ROBERT D. ZSALMAN  
Acting Executive Director